

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

EDGARDO NICOLÁS MARTÍNEZ PÉREZ

DEBTOR

CASE NO. 16-05934 BKT

CHAPTER 13

**MOTION IN OPPOSITION TO THE CONFIRMATION OF THE
PROPOSED CHAPTER 13 PLAN DATED AUGUST 29th, 2017 (DOCKET NO. 98)**

TO THE HONORABLE COURT:

COMES NOW, Carmen Luisa Seijo Cruz, creditor in the above captioned case, represented by the undersigned attorney who respectfully pray, and state as follows:

1. On July 27th, 2016 the debtor filed a voluntary petition under the Chapter 13 of the Bankruptcy Code. See docket entry no. 1.

2. Creditor, Mrs. Carmen Luisa Seijo Cruz is debtor's exwife. The debtor and Mrs. Seijo Cruz have an active litigation in state to liquidate joint properties and debts. See state court case no. KAC2014-0953 San Juan Superior Court. This litigation was not included in debtor's petition, nor was Ms. Seijo included as a creditor/joint owner/debtor in the creditor matrix. Therefore, Ms. Seijo learned about the bankruptcy case and the inclusion of her joint assets and debts recently.

3. That the creditor has a 50% share in the properties described in Schedule A/B, as follows:

(i) Property at Urb El Pilar in San Juan PR described in Part 1, Item 1.1, 1.2 and 1.4. See docket entry no. 1.

(ii) 2000 Toyota Land Cruiser and a 2007 Van Den Plas Jaguar described in Part 2, Item 3.1 and 3.2 of the voluntary petition;

(iii) 1979 Piper Seneca airplane described in Part 2, Item 4.1 of the voluntary petition;

(iv) household furniture, paintings and glassware described in Part 3, Item 6 of the voluntary petition.

(v) two (2) joint bank accounts with the debtor: Scotiabank (account no. 0087) and Scotiabank (account no. 1512).

4. That the creditor has joint debts within the conjugal partnerships with the debtor such as:

(i) Bank of America in the approximate amount of \$27,817.69

(ii) Banco Popular de Puerto Rico in the approximate amount of \$5,537.32;

(iii) Amex in the approximate amount of \$80.06;

(iv) GECRB (Home Design) in the approximate amount of \$3,087.52; and

(v) Oriental MC in the approximate amount of \$17,583.34.

5. The creditor also informs this Honorable Court that the debtor has no obligation to pay her the schedule expense of \$463.00 as listed in Schedule J of the petition. He has informed in state court that he provides a monthly payment to creditor as advance payments for the liquidation of assets. These inconsistencies are unacceptable in the bankruptcy process.

7. The debtor is requesting in state court from the creditor credit for payments made towards real properties, but the debtor omitted this claim and or possible account receivables related to the claim in the petition schedules and statements.

8. For the reasons stated hereinbefore, creditor does not accept the amended plan dated August 29th, 2017 as proposed and pray that this case not to be confirmed.

WHEREFORE, the creditor respectfully requests that this Honorable Court grants this motion and deny the confirmation of the Amended Chapter 13 Plan dated August 29th, 2017 filed under docket entry no. 98. Creditor also requests to be granted 21 days to file her proof of claim with the supporting evidence.

RESPECTFULLY SUBMITTED

In Caguas, Puerto Rico, this 8th day of October 2018

NOTICE: Within **fourteen (14) days** after service as evidenced by the certification, and an additional **three (3) days** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I certify that on this same date the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which sends notification of such filing to all system's participants, including the U.S. Trustee's Office and the Trustee.

/s/ CARLOS ALBERTO RUIZ, ESQ.

USDC-PR 210009

Attorney for Creditor

LCDO. CARLOS ABLERTO RUIZ CSP

P.O. Box 1298

Caguas, PR 00726-1298

Phone: (787) 286-9775/ Fax: (787) 747-2174

carlosalbertoruizquiebras@gmail.com

Información GeneralSeñalamientosMovimientosNotificacionesDocumentos

Número de Caso	Demandante	Demandado	Región	Tribunal	Asunto	Materia	Estatus
K AC2014-0953	SEJO CRUZ, CARMEN LUISA	MARTINEZ PEREZ, EDGARDO NICOLAS	SAN JUAN	SUPERIOR	CIVIL	ACCION CIVIL	ACTIVO